

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 14-2278

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James E. Thompson

*Plaintiff - Appellant*

v.

Butte County, SD as respondent superior for Butte County Officials; 5 John Doe Commissioners; Butte County Sheriff Fred Lamphere; Butte County Deputy Gary Bruner; Butte County Deputy Tristan Clements; Butte County Deputy Doug Parrow; Butte County State's Attorney Heather Plunkett; Butte County Ass't. State's Attorney Timothy Vanderheide

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of South Dakota - Rapid City

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Submitted: November 12, 2014

Filed: November 17, 2014

[Unpublished]

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Before WOLLMAN, BYE, and MELLOY, Circuit Judges.

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PER CURIAM.

James Thompson appeals the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 action seeking damages for the removal of his automobiles from land that he leased. Following careful review of the record, we find that Thompson's notice of appeal (NOA) was untimely by one day because he filed it on May 23, thirty-one days after the district court entered judgment on April 22, 2014, and the thirtieth day did not fall on a Saturday, Sunday, or legal holiday. See Fed. R. App. P. 4(a)(1) (NOA must be filed within 30 days after entry of judgment); Fed. R. App. P. 26(a) (computation of time); Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006) (timely NOA is mandatory and jurisdictional; court will raise jurisdictional issues sua sponte). Accordingly, we dismiss the appeal for lack of jurisdiction.

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<sup>1</sup>The Honorable Jeffrey L. Viken, Chief Judge, United States District Court for the District of South Dakota, adopting the report and recommendations of the Honorable Veronica L. Duffy, United States Magistrate Judge for the District of South Dakota.